

EXHIBIT B

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD**AMENDED IMPROPER PRACTICE CHARGE****ORIGINAL
BROOKLYN OFFICE**

JUL 08 2013

AMENDED AND NEW CHARGE RELATED TO CASE NO. U-32412NYS PUBLIC EMPLOYMENT
RELATIONS BOARD

INSTRUCTIONS: File an original and four (4) copies of this Charge with the Director of Public Employment Practices and Representation, New York State Public Employment Relations Board, 80 Wolf Road, Suite 500, Albany, NY 12205-2656. If more space is required for any item, attach additional sheets, numbering item accordingly.

DO NOT WRITE IN THIS SPACECase No. U- **32412**

Date Received:

1. CHARGING PARTY

- a. Name (If employee organization, give full name, including any affiliation and local name and number):

Rose Giordano-Forkan**RECEIVED
BROOKLYN OFFICE**

- b. Address (No. & Street, City and Zip Code, County):

**27-11 172nd Street
Flushing NY 11358**

JUL 08 2013

**RECEIVED
NYS PUBLIC EMPLOYMENT
RELATIONS BOARD**Telephone Number: **1-718-767-4827****NYS PUBLIC EMPLOYMENT
RELATIONS BOARD****JUL - 1 2013****REPRESENTATION**

- c. Name and title of the representative filing charge:
- Self**

- d. Name, address and telephone number of attorney or other representative, if any, to whom correspondence is to be directed:

2. PUBLIC EMPLOYER AND/OR EMPLOYEE ORGANIZATION AGAINST WHICH CHARGE IS BROUGHT

- a. Name and Address (No. & Street, City and Zip Code, County):

**New York City Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007**

- b. Telephone Number:

3. Is the charging party filing a separate application for injunctive relief pursuant to §204.15 of the Board's Rules of Procedure?

YES**NO****4. VIOLATIONS ALLEGED**

Pursuant to Article 14 of the Civil Service Law, as amended (Public Employees' Fair Employment Act), the charging party hereby alleges that the above-named respondent(s) has (have) engaged in or is (are) engaging in an improper practice within the meaning of the following subsections of Section 209-a of said Act (check the subsection(s) allegedly violated):

If by a public employer**(x) 209-a.1(a)**If by an employee organization**() 209-a.2(a)**

- ☐ 209-a.1(b)
- ☒ 209-a.1(c)
- ☐ 209-a.1(d)
- ☐ 209-a.1(e)
- ☐ 209-a.1(f)
- ☐ 209-a.1(g)

- ☐ 209-a.2(b)
- ☐ 209-a.2(c)*

* If the charge alleges a violation of Section 209-a.2(c) of the Act based on an employee organization's processing of or failure to process a claim that a public employer has breached its agreement with such employee organization, identify the public employer:

a. Name and Address (No. & Street, City and Zip Code, County):

New York City Department of Education
52 Chambers Street
New York, NY 10007

b. Telephone Number:

5. Specify in detail the alleged violation(s). Include names, dates, times, places and particular actions constituting each violation. Use additional sheet(s), if necessary. Failure to supply sufficient factual detail may result in a delay in processing or dismissal of the charge.

1. I have been employed by the NYCDOE as an elementary school teacher for 10 years, the last five years at P.S. 29 in Queens.
2. I have received all Satisfactory end of year evaluations.
3. In March 2011, I informed Principal Jennifer Jones-Rogers that I was returning from childcare leave in September 2011 for the 2011-12 school year. She was not the principal of the school when I commenced the leave in 2003.
4. Ms. Jones-Rogers discouraged me from returning and stated that I did not have a place there and did not belong at the school.
5. I then contacted Human Resources for the DOE, and Principal Jones was told by HR that she would have to take me back.
6. Within a few months upon my return, she began to intimidate me by publicly humiliating me in front of colleagues and others at the school.
7. In December 2011, I contacted my union the United Federation of Teachers in an effort to discourage the principal from continuing to harass me, and a hearing was held in January 2012 to address the principal's harassment.
8. Soon after that meeting, in March 2012, she rated me Unsatisfactory and falsely accused me of corporal punishment and verbal abuse, which ultimately resulted in a letter claiming I exercised poor judgment.
9. At the end of the 2011-12 school year, she threatened me that if I did not leave the school, I would get an Unsatisfactory annual rating.
10. With the Union's assistance, I was able to get a Satisfactory annual rating for the 2011-12 school year.

11. Since my return to the school for the 2011-12 school year, Principal Jones-Rogers has continued to harass me by refusing to let me opt for the alternative observation model (which I always had opted for in the past) for this school year and beginning to formally observe me. I filed a grievance regarding her denial of my right for this alternative observation model, which was immediately denied.
12. I also was told for the first time by Assistant Principal Scott Wolfson on or about November 19, 2012, that I would be receiving a formal observation with a pre-observation conference, formal observation, and post-observation conference all on the same day. I filed a union grievance just before the observation on November 20, 2012, but the observation was held anyway. I was told by AP Wolfson the same day that the lesson was unsatisfactory.
13. On December 6, 2012, I was informed by my union representative that the observation would be withdrawn, but that the observation would promptly be redone.
14. On December 18, 2012, AP Wolfson conducted another formal observation, and informed me on December 20, 2012, that the observation was rated Unsatisfactory.
15. On February 7, 2013, I attended a PERB conference based on my initial PERB charge filing.
16. On April 3, 2013, I received a disciplinary letter alleging that I engaged in misconduct because I failed to report my own school principal for verbally abusing my students on March 20, 2012. The NYCDOE has refused to provide the underlying OSI report regarding this investigation despite multiple requests to obtain this already concluded investigation.
17. On April 30, 2013, I was informed of another formal observation to be conducted on May 13, 2013. On May 3, 2013, I requested a demonstration lesson, which was refused, and instead I received a letter on May 6, 2013, chastising me for asking for a demonstration lesson. I also received an Unsatisfactory observation from both administrators on May 20, 2013 for the May 13, 2013 lesson. I believe that my May 13th observation also was illegally audiotaped by school administration without my consent.
18. On June 3, 2013, I also received an unwarranted disciplinary letter to file for insubordination primarily based on my disagreement with the principal for "nitpicking" about my lessons.
19. I also was denied any of my preferences for an early grade teaching assignment for the 2013-14 school year and my grievance regarding this denied on June 12, 2013.
20. On June 21, 2013, I received an Unsatisfactory annual rating for the 2012-13 school year, the first in my 10 years of teaching.
21. Based on the above, I believe that I am clearly being retaliated against based on my union activities against the school principal, and respectfully request that the 2012-13 Unsatisfactory annual rating be reversed, that the disciplinary letters to file and unsatisfactory observation reports be expunged from my personnel file and that I be given one of my preferences for my teaching assignment for the 2013-2014 school year.

6. If the charge alleges a violation of Section 209-a.1(d) or 209-a.2(b) of the Act, has the charging party notified the Board in writing of the existence of an impasse pursuant to Section 205.1 of the Board's Rules of Procedure?

☐ YES ☐ NO

7. The charging party is available immediately to participate in a pre-hearing conference and a formal hearing.

☒ YES ☐ NO

STATE OF NEW YORK)

COUNTY OF) SS.:

Rose Giordano Forkan, being duly sworn deposes and says, that (s)he is the charging party above named, or its representative, and that (s)he has read the above charge consisting of this and additional page(s), and is familiar with the facts alleged therein, which facts (s)he knows to be true, except as to those matters alleged on information and belief, which matters (s)he believes to be true.

Rose Giordano Forkan
(Signature)

Teacher
(Title)

Subscribed and sworn to before me
this 26th day of June 2013

BRYAN GLASS
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02GLS068976
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES 1/22/14 *NO CLEVER*

PERB 679 (9/08)